IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.609 OF 1998

M/s.Moni Gases ...Plaintiffs

Versus

M/s.M.S.Enterprise & Anr. ...Defendants

Shri S.R.Page i/by Shri S.N.Patwardhan for the Plaintiffs.

Ms Manisha Poladia i/by M.Hiralal & Co for the Defendant Nos.1 and 2.

CORAM : ABHAY S.OKA, J.
DATED : JULY 04, 2007.

P.C.:

1. The learned counsel appearing for the Defendants pointed out that the second Defendant has expired in the year 2005.

2. The statement made by the learned counsel for the Defendant is accepted. The second Defendant is the proprietor of the first Defendant. As his legal representatives are not brought on record within the time stipulated by law, the suit stands abated as against the second Defendant. The second Defendant being the sole proprietor of the first Defendant, as a consequence of the abatement of the suit as against the second Defendant, the suit does not survive against the first Defendant. Accordingly, the suit is dismissed.

JUDGE